



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY IN SUPPORT OF HB1114
(EDUCATION - PROHIBITED BEHAVIOR ON SCHOOL GROUNDS AND PROPERTY - APPLICATION)

Delegate Sheila Ruth
March 6, 2023

HB1114 modifies a section of the Education code which currently allows students to be charged with a misdemeanor if they “willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education.” Under current law, students can be charged with a crime and processed into the criminal justice system for typical adolescent behavior like storming out of class, talking back to an authority figure, or refusing to follow directions. 1700 students were charged with disturbing school activities in FY19, the most recent year for which we have data.

This law is vague, unnecessary, harmful to students, and doesn’t belong in the Education code. HB1114 remedies that by preventing students from being charged under this law, more appropriately making these cases an internal disciplinary matter.

This bill passed the House of Delegates in 2021 and 2022, and the crossfile passed the Senate in 2022 in a slightly different form due to an amendment. I introduced it this year in the form that passed the Senate.

The human brain doesn’t reach full maturity when it comes to decision making or judgment until age 25. Young people often lack the impulse control that gives most adults the ability to filter their words and actions. Anyone who’s ever been the parent of a teen knows that defiance and anger are part of the territory. This doesn’t mean that we should accept such misbehavior: young people need to learn appropriate behavior. However, the criminal justice system isn’t the appropriate place to learn that. In fact, trauma from contact with the criminal justice system may actually *increase* misbehavior and lead to a higher likelihood of committing actual crimes in the future.

[A 2006 study](#) found that “first-time arrest during high school nearly doubles the odds of high school dropout, while a court appearance nearly quadruples the odds of dropout.” The consequences of charging a student for acting in line with their age and brain development are potentially long-term and devastating, and play a role in the school-to-prison pipeline.

The consequences of this law most heavily impact Black, Brown, and disabled children. According to 2020 data, **82% of children charged with disturbing school activities were Black children and children of color.** Because of implicit biases, people often perceive

behavior of Black children as more threatening compared to the same behavior conducted by white children of the same age. Studies have shown that white adults also tend to overestimate the age of Black children, leading to unrealistic behavioral expectations.

The statute regarding disturbing school activities also disproportionately impacts disabled children. **Children with disabilities represent 23% of all school arrests**, but only make up 12% of the entire student population. Students with developmental disabilities may, due to their disabilities, act out in ways that can be incorrectly perceived as threatening.

School behavior management systems can and should be used to teach young people appropriate behavior. For more challenging behavioral issues, diversion to social service agencies, community-based organizations, or local management boards are better alternatives to involving the criminal justice system.

Any conduct that rises to the level of criminal activity (e.g. threats, assault, firearms offenses, theft, trespassing, etc.) would still be able to be charged under the criminal code. I am including a memo from the Office of the Public Defender in my testimony which lists some of the many provisions in the criminal code that can still be charged for conduct that rises to criminal in nature. This list is *not* an exhaustive list of crimes, but instead meant to show why Education 26-101 isn't necessary. If there's a crime that is committed while on school property, it can be prosecuted as such. The problem with Education 26-101 is that it's used to prosecute children for behavior that would not be criminal in any other setting.

The ultimate goal of the education code should be student success and preparation for their future. The criminal charges in Education 26-101 run counter to that goal and do not belong in the education code, and it's time to clean it up and stop criminalizing typical student behavior. I ask for a favorable report for HB1114.